

PROB 12B
(7/93)

UNITED STATES DISTRICT COURT

FILED

for

SEP 14 2010

WESTERN DISTRICT OF TEXAS

U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAC-10-1440
DEPUTY CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Derek Levon Lowe Case Number: SA-07-CR-601(4)

Name of Sentencing Judicial Officer: Honorable Royal Furgeson, United States District Judge

Date of Original Sentence: April 30, 2008

Original Offense: 18 USC § 1344 & 18 USC 2: Bank fraud, aiding and abetting

Original Sentence: Eighteen (18) months imprisonment, three (3) years supervised release and \$100 special assessment

Type of Supervision: Supervised release Date Supervision Commenced: July 23, 2010

PETITIONING THE COURT

To extend the term of supervision _____ years, for a total term of _____ years.
 To modify the conditions of supervision as follows:

See attached probation form 49 for special conditions to be imposed

"If the defendant is unable to pay the restitution immediately, the defendant shall pay the entire amount of the restitution at the rate of no less than \$100 per month, due by the last day of each month beginning September 2010. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the U.S. Attorney. The defendant shall cooperate fully with the U.S. Attorney and the U.S. Probation Office to make payment in full as soon as possible."

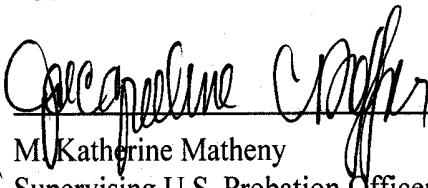
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CAUSE

Based on the offender's current net income of \$950.00 monthly and an estimate of his necessary monthly living expenses and other liabilities, a monthly restitution payment of \$100 is appropriate at this time. The offender's payment schedule will be re-evaluated as needed and/or upon any changes in his monthly income.

Assistant U.S. Attorney, Mike Hardy, concurs

Approved:


M. Katherine Matheny
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 344

RPZ

cc: Mike Hardy
Assistant U.S. Attorney

Victor Casillas
Assistant Deputy Chief Probation Officer

THE COURT ORDERS:

- No action.
- The extension of supervision as noted above.
- The modification of conditions as noted above.
- Other



U.S. District Judge

9/14/10

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT
Western District of Texas

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Terms of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

If the defendant is unable to pay the restitution immediately, the defendant shall pay the entire amount of the restitution at the rate of no less than \$100 per month, due by the last day of each month beginning September 2010. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the U.S. Attorney. The defendant shall cooperate fully with the U.S. Attorney and the U.S. Probation Office to make payment in full as soon as possible.

Witness: Robert Perez

Robert Perez
Senior U.S. Probation Officer

Signed: Derek J. Lowe

Derek Levon Lowe

September 3, 2010

Date